

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

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IN RE: REFCO INC. SECURITIES LITIGATION

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Case No. 07 MDL 1902 (JSR)

This document applies to:

MARC S. KIRSCHNER,  
As Trustee of the Refco Private Actions Trust,

Plaintiff,

v.

Case No. 07 Civ. 8165 (JSR)

**NOTICE OF MOTION**

PHILLIP R. BENNETT, SANTO C. MAGGIO,  
ROBERT C. TROSTEN, MAYER, BROWN LLP,  
MAYER BROWN INTERNATIONAL LLP, and  
GRANT THORNTON LLP,

Defendants.

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GRANT THORNTON LLP,

Defendant/Third-Party  
Plaintiff,

v.

THOMAS H. LEE PARTNERS, L.P.; THL EQUITY  
ADVISORS V, LLC; THL MANAGERS V, LLC;  
THOMAS H. LEE EQUITY FUND V, L.P.;  
THOMAS H. LEE PARALLEL FUND V, L.P.,  
THOMAS H. LEE EQUITY (CAYMAN)  
FUND V, L.P., THOMAS H. LEE; DAVID V.  
HARKINS; SCOTT L. JAECKEL; and SCOTT A.  
SCHOEN,

Third-Party Defendants.

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**PLEASE TAKE NOTICE THAT,** upon the accompanying Memorandum of Law In  
Support of the THL Defendants' Motion To Dismiss Grant Thornton LLP's Third-Party

Complaint For Contribution, dated March 23, 2011, the undersigned will move this Court before the Honorable Judge Jed S. Rakoff, United States District Judge, in the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, Courtroom 14B, New York, New York 10007, at a date and time to be set by the Court, for an order dismissing with prejudice the Third-Party Complaint For Contribution, pursuant to Federal Rules of Civil Procedure 9(b) and 12(b)(6); pursuant to Local Civil Rule 6.1(b), any Opposition to this Motion to Dismiss shall be served and filed by April 6, 2011, and any Reply to any Opposition to this Motion to Dismiss shall be served and filed by April 13, 2011, with oral argument scheduled for a date and time to be set by the Court.

Dated: March 23, 2011  
Washington, D.C.

KELLOGG, HUBER, HANSEN, TODD  
EVANS & FIGEL, P.L.L.C.

By: /s/ Kevin B. Huff

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